

USAWC STRATEGY RESEARCH PROJECT

**RESTRUCTURING FOR HOMELAND SECURITY
WHAT IS REALLY NECESSARY?**

by

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The views expressed in this academic research paper are those of the author and do not necessarily reflect the official policy or position of the U.S. Government, the Department of Defense, or any of its agencies.

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ABSTRACT

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The challenges of improving homeland security in the wake of the terrorist attacks on September 11th, 2001 and subsequent events, such as the anthrax outbreak and sniper shootings, have revealed numerous deficiencies of governmental functioning in the prevention and response to terrorist attacks, as well as operational adaptation by response agencies and officials at all levels of government. The defense of this nation and the war on terrorism ultimately involves every agency and level of government. We can anticipate numerous changes in the intergovernmental system and interorganizational structure. This strategic research paper analyzes the post-September 11 challenges faced by the U.S. national security apparatus and the new threat environment, homeland security and strategy, and recommends the decision-making structure that fits best.

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RESTRUCTURING FOR HOMELAND SECURITY – WHAT IS REALLY NECESSARY?

“Tonight, I propose a permanent Cabinet-level Department of Homeland Security to unite essential agencies that must work more closely together: Among them, the Coast Guard, the Border Patrol, the Customs Service, Immigration officials, the Transportation Security Administration, and the Federal Emergency Management Agency...What I am proposing tonight is the most extensive reorganization of the federal government since the 1940s.”

—President George W. Bush

“The right organization will not guarantee success. But the wrong organization will guarantee failure.”

—General Dwight D. Eisenhower

The challenges of improving homeland security in the wake of the terrorist attacks on September 11th, 2001 and subsequent events, such as the anthrax outbreak and sniper shootings, have revealed numerous governmental deficiencies in the prevention and response to terrorist attacks, as well as operational adaptation by response agencies and officials at all levels of government. Citizens have witnessed both glaring gaps in coordinated action by federal, state, and local agencies and effective joint mobilization to deal with the consequences of the attacks. A new recognition exists of the criticality of governments to act effectively on an intergovernmental, interorganizational, and interdisciplinary basis, as well as a recognition that the required relationships are not in place and, in many instances, may not be well understood.¹

The restructuring transformation necessitated by this new environment is already under way. Faced with organizational dysfunction, President Bush moved rapidly to address the most immediate difficulty – the absence of adequate coordination among the widely dispersed agencies and competencies within the federal government involved in securing the American homeland. The President addressed these deficiencies by creating the Department of Homeland Security. This department will play a central role in implementing the National Strategy for Homeland Security.² This new Department will also bring together 22 entities with critical homeland security missions, and streamline relations between the federal government and state and local governments, the private sector, and the American people.³

There is perhaps no ideal bureaucratic structure for dealing with terrorism. The threat is amorphous and constantly shifting. Most experts agree that the federal government's existing

structure is ill-suited for managing the threats of the 21st century.⁴ In an attempt to change that, the White House is mounting the most ambitious restructuring of federal agencies in a half-century. However, the mission of homeland security, in whatever way it is defined, is not new.⁵ Federal agencies have been securing infrastructure, protecting borders, regulating the flow of goods and people entering the country and performing various other homeland security functions for years. Additionally, many key aspects of homeland security are performed by state and local officials and the private sector, and much of what makes or breaks a federal program occurs far from Washington. It might be useful for both legislators and bureaucrats to consider why those functions have been handled inefficiently in the past before they simply are shifted onto a new organizational chart.

This paper analyzes several post-September 11th challenges between the new threat environment, homeland security and strategy, and what decision-making structure fits best. It also describes several organizational challenges facing the restructuring effort for homeland security. Finally, it recommends action to enable the nation's homeland security apparatus to operate effectively in support of the National Strategy for Homeland Security.

THE NEW THREAT ENVIRONMENT

Changes in the international threat environment, such as that which occurred on September 11th, have immense repercussions for organizational design and decision-making. Scholars of organizational behavior have focused on the critical relationship between an organization and the environment in which it operates. Organizations are "open systems" that are shaped by their environments.⁶ One of the key management tasks for any bureaucracy, public or private, is to create policies and processes that will enable it to achieve its goals given the risks, constraints, and opportunities that exist within its operational environment.⁷ This is a critical notion for national security decision-making: It operates within an international political environment as well as a domestic political environment and must adapt to developments and trends.⁸

Organizations accomplish this by adjusting or reevaluating their strategies.⁹ One of the most important aspects of this notion of strategic choice is the idea that "structure follows strategy".¹⁰ Organizational design depends on the strategic goals of the organization and their adaptation to meet the demands of the environment. In terms of national security, major changes in the international system call for strategic and organizational reassessment, but not necessarily wholesale restructuring.

September 11th, 2001, stands as a “transformational” event for the United States, on par with December 7, 1941 (the attack on Pearl Harbor), and July 16, 1945 (the first test detonation of an atomic bomb). It is a reference point that divides U.S. national security policy into “before” and “after” categories in spite of counsel that such an event could take place. The U.S. Commission on National Security/21st Century warned of a “new world coming” in which the United States would be challenged by the global reach, ambition, and increasing technological sophistication of terrorist organizations.¹¹ ¹ The Gilmore Commission considered a chemical, biological, radiological, and nuclear attack on the United States to be a matter of “when,” not “if”.¹² However, a serious recalculation of U.S. national interests did not begin until after September 11th.

This is not surprising. Events are usually the catalyst for public policy innovation and change.¹³ World War II and its aftermath, when the United States emerged as a global superpower engaged in a cold war with its Soviet rival, led to the passage of the National Security Act of 1947. The act was a sweeping, congressionally mandated overhaul of U.S. national security structures that created the current U.S. architecture for decision making, capped by the interagency National Security Council (NSC).² The NSC was to function as the last forum of advice and debate before the president makes a decision. However, the growth in power of the NSC staff and the national security advisor into the president's own White House-based national security bureaucracy was a significant departure from the initial design.¹⁴ It has become a non-statutory end-run around established decision-making structures, an adaptation based on presidential decision-making needs as well as individual leadership/management styles.

The NSC advisory structure fluctuated from administration to administration through the years, changing committee structures and processes and shifting from formal to informal styles.¹⁵ Interestingly, since 1989, that structure has stabilized under the presidencies of Bush 41, Clinton, and Bush 43. Thus, as the Cold War ended, the key decision-making unit within the U.S. Government ceased to adapt or change.

In a non-event, unique in international affairs, the Soviet Union, one-half of the great power competition, faded away. The international system changed, not by cataclysmic war, but by the internal collapse of one side of the balance of power. Though the result was an uncertain evolution of the international system, the United States operated as if the major task involved in

¹ This commission is also known as the Hart/Rudman Commission, after its two chairs, former Senators Gary Hart and Warren Rudman.

national security was to prepare for the next cold war, one that would look similar to the U.S.-Soviet competition. Thoughts persisted that the United States was the only superpower remaining, but its unipolar status would be fleeting.¹⁶ A great power or “peer competitor” would rise, and the United States would have to prepare to meet that challenge.¹⁷ The issue was global hegemony and the right of a victorious superpower to shape the international system. The Bush 41 Administration’s “Defense Planning Guidance” of 1992 viewed the post-Cold War world as a struggle for power among nations; the U.S. grand strategy, at its most basic, should deter new great powers from rising.¹⁸ The Clinton Administration saw U.S. unipolar hegemonic power as the means through which the United States would remake the world.¹⁹ The spread of free trade, humanitarian intervention, and the growth of democratic states rested, in part, on the United States’ ability to wield what the administration called “history’s most powerful military”.²⁰ The current Bush Administration’s foreign policy (post September 11) leaned toward unilateralism, an assumption of great power competition, and a belief in the necessity of maintaining hegemony.²¹

This is not a case of wise men and government officials ignoring the terrorist threat and its changing nature.²² However, terrorism remained a secondary issue. Since September 11th and the beginning of the administration’s “global war on terrorism,” the question has become how to fit this new priority into the old strategy. The answer to that question should provide guidance for incorporating new homeland security decision-making structures into the old or creating new departments and agencies for new missions.

HOMELAND SECURITY AND STRATEGY

It is argued here that homeland security should be seen as a subset of national security. Foreign terrorist organizations, whether they are acting against U.S. interests abroad or targeting U.S. territory, are motivated by their opposition to the United States’ global supremacy and to specific aspects of U.S. foreign policy (for instance, U.S. support for Israel or the presence of U.S. troops in Saudi Arabia). In a grand strategic sense, the global war on terrorism looms as a new challenge to the United States’ ability to chart the post-Cold War international order. In other ways, the issue in play has not changed for centuries: great powers compete, superior forces dominate, and weaker groups resist. September 11th has added new dimensions to this traditional game, dimensions that often were acknowledged but never given priority. First, nation-states are not the only actors that have the power and ambition to challenge the U.S. role as a global hegemon. Second, the willingness and capability

of these non-state actors to inflict mass casualties in the pursuit of their goal is increasing. In this sense, September 11th and other terrorist strikes against the United States should be seen as attempts to change or influence U.S. foreign policy.

While the second point (non-state actors willingness to inflict mass casualties is increasing) is generally recognized, the first point (nation-states not the only actors with power and ambition to challenge) often gets lost. We are witnessing the privatization of global power politics and political violence. Terrorist organizations have become the “dark side” of globalization, transnational entities with the ability to inflict casualties against their political opponents anywhere in the world. Technological developments and the vulnerability of U.S. society in an age of globalization spurred this phenomenon.²³ Still, some analysts see Osama bin Laden and al-Qaeda as motivated by “religious hatred.”²⁴ President Bush described the motivation behind the September 11th attack as stemming from a hatred of democracy and the freedom of religion, speech, and assembly.²⁵ Even the Gilmore Commission, which was specifically tasked to examine terrorist use of weapons of mass destruction, does not include influencing U.S. foreign policy choices as a “potential motive” behind a terrorist event.²⁶

Crafting a coherent strategy requires a view of terrorism as a political act undertaken by groups with very definitive political agendas.²⁷ The rank and file of the terrorist cadre may be inspired by fanaticism, background, revenge, or psychological instability, but the leaders of terrorist groups, to paraphrase Clausewitz, are engaging in politics by other means - terrorist violence. Although the actions of groups such as al-Qaeda are cloaked in religious piety, the goals of terrorists are derived from an anti-Western nationalism globalized and mythologized through a twisted version of Islam. The Cold War provides a useful analogy. During the Cold War, the United States sought to contain a global ideology antithetical to our own (in idealist terms) or a global Soviet alliance that threatened to overwhelm American power (in realist terms). Today, the United States will try to contain a global terrorist force that is not unified by ideology or nation-state affiliation, but by general goals (opposition to U.S. regional and global hegemony), by methodology (violence that will inflict mass casualties), and perhaps by an operational alliance of convenience (shared finances and technology). The United States is clearly not simply containing this foe. The Bush doctrine of global war on terrorism is more akin to the Reagan doctrine of containment: it aims to destroy the capability of terrorists to operate any place on the globe, rather than merely to prevent them from attacking the United States and its foreign-based assets.²⁸

Insurgency and guerrilla warfare present an instructive analogy. Terrorists are not engaging in direct challenges to U.S. military assets (force on force). U.S. preponderance

prevents that and inspires a new strategy. Terrorism is an “asymmetric threat” in which a much weaker enemy confronts a greater power with strikes against its vulnerabilities.²⁹ In this sense, the war on terrorism is a battle against a foe that will hit U.S. assets and citizens repeatedly and has the specific purpose of leaving as much debris in its wake as possible, both human and material (mass effects). Al-Qaeda and its allies cannot hope to militarily defeat the United States, nor can they hope to physically remove U.S. troops from Saudi Arabia or Afghanistan, eliminate Israel, or overthrow U.S. friendly regimes in Egypt or Saudi Arabia. Where guerrilla fighters strike then fade into jungles, mountains, or friendly villages, terrorists perish in the attack or slip into the open landscape of free society. Like the guerrilla strategy, these terrorists win by not losing. Their mission to inflict pain on the United States for an extended period of time is undertaken in the hope of producing changes in U.S. policies in the Middle East and around the world. Repeated terrorist attacks on U.S. soil could create an American sense of vulnerability and tangible loss. In theory, this could translate into pressure on U.S. leaders to do whatever is necessary to end that vulnerability and prevent that loss, whether this means specific policy change or a less interventionist foreign policy in general. The casualty-averse image of the U.S. public lends credence to such an approach, even if that image is essentially a misperception.³⁰

However, the nature of terrorist strikes against U.S. soil requires a new approach to foreign policy. If the fight against terrorism is a war, then homeland security manifests itself as a modern spin on the classic fifth column problem - agents of the enemy operating within the home front. Dealing with them requires not only a merger of national security and homeland defense strategies, but one that allows homeland security and national security operational separation as well. Many have lamented the lack of national strategy of homeland defense, a vulnerability assessment, or the development of a “unified field theory” of homeland defense.³¹ A unified field theory or national strategy must acknowledge where homeland security and national security overlap and where they do not – the current National Strategy for Homeland Security misses this ingredient.³² Ultimately, both concepts seek the same goals – the security of the nation and the fulfillment of U.S. national interests. A broad concept of homeland defense might include everything from missile defense to better security at local reservoirs. Though the terrorist threat promises to blur the distinction between law enforcement and national security, this does not integrate the two issues completely. In most cases, these are still distinct tasks conceptually that should be organizationally separate but strategically coordinated. Preliminary assumptions about the new threat environment, U.S. strategy, and governmental organization for homeland security should identify three categories: the new threat environment, instances

where national security and homeland security must operate together, and instances where they must act separately. Table 1 provides a brief look at the new strategic environment.

Table 1: Assumptions about the New Threat Environment ³³
<ul style="list-style-type: none"> • Ultimate U.S. national interest is to create a stable regional and global post-Cold War world premised on free trade, democracy, and human dignity • The United States plans to remain a hegemon (using internationalism) as a means to accomplish these goals • All of the goals of U.S. foreign policy that existed before September 11th have not disappeared. Combating terrorism and homeland defense represents a shift in priorities and resources • Opponents of the United States and its preferred global order now have the capability to strike the U.S. homeland and have made efforts to develop the capability to do so with weapons of mass destruction/effects • The costs of U.S. hegemony and the pursuit of its national interests have increased significantly (reference our current budget deficits) • As in the Cold War, U.S. alliances are necessary to combat terrorism and may include U.S. cooperation with states whose political systems and foreign policy interests are antithetical to our own (China, Iran) • National security threats have merged with threats that previously were considered to be only criminal in nature (terrorism, immigration violations, money laundering) • America is now threatened less by conquering states than we are by failing ones • Counterproliferation efforts should focus on both state actors and non-state actors

TABLE 1. ASSUMPTIONS ABOUT THE NEW THREAT ENVIRONMENT

RESTRUCTURING FOR HOMELAND SECURITY

Before September 11th, terrorism was addressed within the NSC interagency process as one issue among many that competed for the attention of senior officials.³⁴ The 1993 attack on the World Trade Center and the 1995 attack on the Alfred P. Murrah Federal Building in Oklahoma City led the Clinton Administration to develop new plans. Presidential decision

directives tasked executive branch departments and agencies to design counterterrorism strategies and methods (PDD-39) and established NSC-level officials and committees specifically designed to coordinate governmental policy on terrorism (PDD-62, 63).³⁵ The incoming Bush Administration had planned to eliminate the NSC committee on terrorism and place the issue directly into the Policy Coordinating Committee structure; however, it ultimately left the Clinton structures intact.³⁶

In responding structurally to the new threat environment (post September 11), the first task for the Bush Administration was to choose between an interagency or departmental model for making and implementing homeland security decisions. The administration chose an interagency model based on the NSC process – a Homeland Security Council, Office of Homeland Security, and a homeland security advisor.³⁷ This recognized that homeland security, by its nature, is too large and diverse a task to be housed in one department. It craves for interagency coordination within the federal government and between the federal, state, and local levels of government. A separate Homeland Security Council, rather than a new homeland security office in the NSC, also acknowledges the different competencies needed for homeland security. The overlap in membership allows the two councils to work together in coordination. Although not etched in stone, the interagency model appears to be the better choice. The following section examines the strengths and weaknesses of the interagency approach vice the departmental approach.

THE HOMELAND SECURITY COUNCEL SYSTEM

September 11th brought swift action. President Bush announced the creation of the Office of Homeland Security in an address to a joint session of Congress on September 20th, 2001.³⁸ Homeland Security Advisor Tom Ridge was sworn in and Executive Order 13228, which established the Office of Homeland Security, was released to the public on October 8, 2001.³⁹ This was followed by a Homeland Security Presidential Directive 1, dated October 29, creating the Homeland Security Council.⁴⁰ Together the Homeland Security Council, Office of Homeland Security, and homeland security advisor represent a modified version of the NSC system.

The decision-making infrastructure consists of a series of interagency groups from cabinet level to working level, coordinated and supported by a White House-based office (the Office of Homeland Security) designed to ensure coordination of all homeland security-related

activities among executive departments and agencies and promote the effective development and implementation of all homeland security policies. In addition to the President and Vice President, the Homeland Security Council Principals Committee (HSC/PC) comprises the Secretaries of Treasury, Defense, Health and Human Services, and Transportation, the Attorney General, the Chief of Staff, the Directors of the Office of Management and Budget, Central Intelligence Agency, the FBI, and FEMA, and the Chief of Staff to the Vice President. The Assistant to the President for National Security Affairs shall be invited to attend all meetings of the HSC/PC. The Homeland Security Advisor chairs the meetings. A second list of officials may attend meetings if issues pertaining to their responsibilities are discussed: the Secretaries of State, Interior, Agriculture, Commerce, Labor, Energy, and Veterans Affairs, the director of the Environmental Protection Agency, and the Deputy National Security Advisor for Combating Terrorism. The Counsel to the President shall be consulted regarding the agenda of HSC/PC meetings and shall attend any meeting when, in consultation with the Assistant to the President for Homeland Security, the Counsel deems it appropriate. A HSC/PC comprising the Homeland Security Council minus the President and Vice President, as well as a HSC/PC comprising the deputies to the Homeland Security Council officials were also created. The HSC/PC is chaired by the Deputy Homeland Security Advisor.⁴¹

The HSC/PC shall meet at the call of the Assistant to the President for Homeland Security, in consultation with the regular attendees of the HSC/PC. The Assistant to the President for Homeland Security shall determine the agenda, in consultation with the regular attendees, and shall ensure that all necessary papers are prepared. When global terrorism with domestic implications is on the agenda of the HSC/PC, the Assistant to the President for Homeland Security and the Assistant to the President for National Security Affairs shall perform these tasks in concert.⁴²

The HSC Deputies Committee (HSC/DC) shall serve as the senior sub-Cabinet interagency forum for consideration of policy issues affecting homeland security. The HSC/DC can task and review the work of the HSC interagency groups. The HSC/DC shall help ensure that issues brought before the HSC/PC or the HSC have been properly analyzed and prepared for action. The Executive Secretary of the Office of Homeland Security shall serve as Executive secretary of the HSC/DC. Other senior officials shall be invited, when appropriate.⁴³

Homeland Security Council Policy Coordination Committees (HSC/PCC) shall coordinate the development and implementation of homeland security policies by multiple departments and agencies throughout the Federal government, and shall coordinate those policies with State and local government. The HSC/PCCs shall be the main day-to-day foray for

interagency coordination of homeland security policy. They shall provide policy analysis for consideration by the more senior committees of the HSC system and ensure timely responses to decisions made by the President. Each HSC/PCC shall include representatives from the executive departments, offices, and agencies represented in the HSC/DC.⁴⁴

The Office of Homeland Security is envisioned to have a professional staff of approximately 100 experts in fields pertinent to homeland security.⁴⁵ Its directorates include intelligence and detection; policy and plans; response and recovery; protection and prevention; research and development; and communications. Equally important is the creation of the Homeland Security Advisor position. Like the National Security Advisor, the Homeland Security Advisor can coordinate the interagency process and provide advice to the President unaffected by any departmental perspective. The advisor is not a statutory position. He is not confirmed by the Senate, nor is he required to testify before Congress if asked, as line officers must. As in the case of the National Security Advisor and the NSC staff, the President has created his own personal homeland security staff, in theory, loyal to him and infused with a presidential perspective on the issue.

THE INTERAGENCY MODEL VERSUS THE DEPARTMENTAL MODEL

“Responsibility for homeland security is currently dispersed among more than one hundred different government organizations. We need a single department whose primary mission is to protect our homeland.”

—Governor Tom Ridge

A variety of governmental and non-governmental groups have addressed the issue of restructuring the executive branch to provide for homeland security. They all see the need for better coordination among the multiple departments and agencies and for integrating foreign and domestic activities. But they have presented vastly different recommendations for organizational restructuring.

The issue of placing the new responsibilities for homeland security into a cabinet department or an executive office is the most basic aspect of restructuring.⁴⁶ Although the Homeland Security Council and the Office of Homeland Security were already created, three bills were introduced in Congress in 2001 calling for the creation of a homeland security department, agency, or office within the White House. An assessment of the strengths and

weaknesses of each illustrates the immense difficulties of creating any cabinet department that could handle all the issues related to homeland security.

The most extensive vision of a cabinet-level agency was proposed by the U.S. Commission on National Security/21st Century in its Phase III report of January 2001, which called for a National Homeland Security Agency – a merger of FEMA, the U.S. Coast Guard (Transportation Department), U.S. Customs Service (Treasury Department), and U.S. Border Patrol (Justice Department).⁴⁷ Such an agency would coordinate the government's response to terrorism within the United States, and its director would be the one official responsible to the president and a statutory member of the NSC. The National Homeland Security Agency should be created through legislation, and its director should be confirmed by the Senate.⁴⁸ Two bills introduced in Congress after September 11th – H.R. 1158, sponsored by Representative William (Mac) Throneberry and S.1534 sponsored by Senator Joseph Lieberman – called for the establishment of such an agency or department, based on the commission's recommendations. The director would require senate confirmation and would be either a member (S.1534) or advisor (H.R. 1158) to the NSC.

In a less extensive reorganization, the Gilmore Commission recommended the creation of a National Office for Combating Terrorism within the Executive Office of the President. The office would have a director appointed by the President and subject to Senate confirmation, as well as several directorates focusing on specific issues. Its primary purpose would be the coordination of executive branch planning and implementation of policies related to homeland security. H.R. 3026, sponsored by Representative Jim Gibbons, called for a similar type of executive office, an Office of Homeland Security. It also suggested the creation of a Homeland Security Advisory Council, an interagency body of department secretaries and agency heads that would advise the President and be chaired by the director of the Office of Homeland Security. This bill should be seen as an attempt to bring the President's Office of Homeland Security and Homeland Security Council under congressional scrutiny by subjecting the homeland security advisor to congressional confirmation.

These bills rested on two basic assumptions. First, without statutory line authority and control over a budget, no interagency coordinator can have real clout over the agencies that he or she may oversee. Second, without Senate confirmation of the director or budgetary control of the new agency, Congress cannot establish its role in homeland security and provide itself the statutory means to review the plans and operations of the executive branch on homeland security. This is a direct criticism of the executive order approach of the President.⁴⁹

The problem with the departmental model is five-fold. First, the number of agencies with responsibilities pertaining to homeland security is so large and diverse that no single agency could possibly manage them all.⁵⁰ Historically, reorganizations have been long, costly struggles that only sometimes have produced better-run programs. At other times, they have made things worse. Reorganization veterans point to the creation of the Energy Department in 1977, where reshuffling made life more difficult for the agencies involved.⁵¹ Daalder and Destler summarize several studies and find that the number of agencies engaged in some homeland security function is estimated at anywhere from 40 to 151 – and this is only at the federal level.⁵² Warren Rudman, co-chair of the U.S. Commission on National Security/21st Century, acknowledged that the National Homeland Security Agency is not a replacement for agencies that have homeland security functions or for the interagency process.⁵³ The creation of something like the National Homeland Security Agency might be a useful tool for consolidating aspects of homeland security, but such an agency cannot be the focal point for strategic planning and coordination.⁵⁴ The creation of one agency to gain control of homeland security calls for a complete overhaul of the entire bureaucratic structure of the federal government. It would alienate the old departments that the new department must work alongside.⁵⁵ It would take years to plan, even longer to implement, and lead to bureaucratic infighting of the likes no one has ever seen.⁵⁶ It took 40 years and several congressional interventions to get the last comparable government restructuring right, the establishment of the Department of Defense. The Air Force, Army, Navy, and Marines still fight each other almost as fiercely as they do foreign enemies. Getting them to work together remains one of the toughest jobs in Washington. It would be a disaster if the bureaucratic effort to set up the new department detracts from the real job of protecting the homeland. A recent Gallup poll showed only 13 percent of Americans think a new department will actually protect them.⁵⁷

Second, the history of the federal government illustrates clearly that presidents want control over the executive branch. They want to be able to direct the federal government from the Oval Office. Their view of their own cabinet departments and federal agencies ranges from deep suspicion to frustration. Organizational and bureaucratic politics models of governmental decision detail instances in which cabinet officers are proponents of an agency perspective, agencies are too wedded to standard operating procedures or incremental policy change, and the implementation of decisions is blocked or reinterpreted.⁵⁸ Presidents see the key to management and control as the creation of an executive office bureau that mirrors the function of a cabinet agency. This “presidential branch” allows the President to run the government from

the White House, streamlining decision making and bypassing the federal bureaucracies as he sees necessary.⁵⁹

Third, historical analysis of the NSC reveals it has served the nation well through numerous wars and regional conflicts.⁶⁰ The post-Cold War world spawned a host of novel security missions for government: peacekeeping and post-peacekeeping operations, civil reconstruction, counterproliferation, threat reduction, information warfare, and conflict prevention. Although it is widely agreed that the United States needs to be able to accomplish these missions, no fundamental changes have been made in the security architecture to create better or additional institutions and capabilities for them; proof that the necessity for the creating of a “Department for National Security” has been lacking.⁶¹ In the past there have been wars declared on poverty and drugs, although we have gone no further than appointing a “drug czar” who heads the Office of National Drug Control Policy, even though drugs kill more than terrorist attacks per year in the U. S.⁶² Terrorism is not a new phenomenon; it has been around for ages. Any perceived changes do not justify a radical departmental rearrangement. The departmental model has been oversold by proponents and undersold by detractors; the interagency model can work efficiently and effectively enough to balance against the risks involved.

Fourth, intelligence and the ability to interpret and act on it are considered essential to the new department’s success. But the department has been given limited intelligence capabilities.⁶³ The chief non-military U.S. intelligence agencies, the FBI and the CIA, remain separate from the Department of Homeland Security. If they do not have access to the information they need, they have already lost. If past efforts failed to achieve necessary coordination in intelligence between the FBI and CIA and the turf battles that often characterized these agencies prior to September 11th are not resolved, how would yet another larger organization effectively integrate the functions of existing organizations with their differing goals, objectives, and cultures? Would it not be better to effectively coordinate existing organizations than place them in an even more complex bureaucratic structure? The danger of additional bureaucratic layering is especially significant in the type of “asymmetric warfare” that characterizes terrorism, in which those who cannot directly confront a superior power use an indirect approach to achieve their objectives.⁶⁴ At the outset, one must ask if an organization with over 170,000 employees would create even more problems of coordination, running counter to the unit of action necessary in combating terrorism.

Fifth, contemplate the costs involved. Picture Advisor Tom Ridge with a rigged sailing ship named Federal Agencies in one hand and its glass bottle labeled the Department of

Homeland Security in the other. There are concerns within Congress that costs will skyrocket beyond the \$37.4 billion budgeted for 2003.⁶⁵ Differences in organization, culture, personnel management and technology among the agencies that are to merge into the Homeland Security Department will make the agency susceptible to waste and inefficiency.⁶⁶ Retired Army Gen. Barry McCaffrey, former director of the White House Office of National Drug Control Policy, has worked closely with many of the agencies that will join the new Department for Homeland Security. While he endorses the concept of putting these agencies into a single department focused on homeland security, he believes it will cost an enormous amount of money, at least initially, to make the department function effectively. The Border Patrol should be four times its current size and the Coast Guard should probably double in size, he says. "There's no question it will cost a ton of money to establish this new agency," McCaffrey says. "The reason it will cost more, among other things, is we're going to finally say, 'Look, we'd better build an institution that's adequate to defend American vital interests.'⁶⁷

CONTENTIONS OLD AND NEW

Assuming the Homeland Security Council will continue to be the coordinating structure for homeland security decision making, the potential problems ahead stem from three contentions: executive-legislative; cabinet officers versus presidential staff; and the Homeland Security Council and staff verses the National Security Council and staff.

Legislative-Executive Contentions

Executive-legislative contentions are a central feature of American constitutional processes. Whether the Homeland Security Council/Office of Homeland Security remains, the struggle for control of homeland security policy will continue. The Bush Administration had fought Congress doggedly on this issue, repeatedly refusing to allow Homeland Security Advisor Ridge to testify before Congress.⁶⁸ Under threat of subpoena, the administration finally permitted Ridge to give a closed-door, informal briefing to members of Congress in early spring 2002. Following this, Office of Management and Budget director Mitchell Daniels stated that the administration might support the creation of a new homeland security department along the

lines of the proposed by the U.S. Commission on National Security/21st Century and the Lieberman legislation.⁶⁹

In any case, the problem remains this: The overriding priority for dealing with terrorism is the coordination of government activities. As noted earlier, this will likely be performed through an interagency process within the White House, no matter what the statutory design might be. Congress must learn to live with this reality and find meaningful ways of providing oversight. Forcing the Homeland Security Advisor to be accountable to Congress would solve little. The President might then turn to another official to coordinate administration policy and advise, while the statutory official becomes merely an out-of-the-loop spokesman for administration policy.⁷⁰ Because Congress already oversees the policies and budgets of all agencies involved in Homeland Security, it should use its traditional power of the purse as clout. In addition, it might accept a role in institutionalizing the Homeland Security Council itself as a statutory entity, rather than relying on the next President to abide by Bush's executive order.

Presidential Staff versus the Cabinet

Two of the most common themes in the literature on presidential decision-making are the centralization of power in the White House and the resulting rivalry between executive departments and presidential staff, in particular the national security advisor and NSC staff versus the Secretary of State.⁷¹ The Homeland Security Council, the homeland security advisor, and the council staff might develop rivalries with a host of agencies and officials from the Departments of Justice, Defense, and Health and Human Services, as well as the FBI and FEMA. This could be a recipe for severe bureaucratic turf wars.

The prevention or resolution of these battles depends on presidential leadership. The President must create a decision-making style in which all officials feel they have sufficient access to the President, a fair chance to convince the President that they have the right solution to the problems facing the nation, and a key role in the policy process. At the same time, the President must make it clear that he makes the decisions and that the homeland security advisor is an extension of his authority and responsibility to coordinate the work of a diverse array of federal agencies.

In the realm of national security policy making, problems arose when the National Security Advisor became a policy advocate and the chief foreign policy advisor to the President, rather than a coordinator of the policy process.⁷² This is a particular danger for the homeland

security advisor. Given the huge array of agencies that deal with the issue, it might be tempting for the President to seek out a single person for advice, rather than having to consult numerous different advisors on an issue. It is inevitable that in matters relating to homeland security, the President will confer with the Homeland Security Advisor more than with any other official. This is a function of location. His office is located in the White House; others may be only a phone call away, but that is a large distance in presidential time and space. It may also be a function of the size of the Homeland Security Council, which has 12 permanent members and 13 additional officials who may attend on an issue-specific basis. If the interagency process becomes bogged down in disputes, the Homeland Security Advisor and his staff may be the President's solution to ending gridlock. The President must make the effort to ensure that the Homeland Security Advisor's main function is to coordinate and manage the policy process and that his role as an advisor to the President does not eclipse any of the other advisors. There is no magic bullet, but consistent efforts are required to make sure the Homeland Security Advisor and the members of the Homeland Security Council work together in an open, collegial process, not against each other. It is a matter of balance within the advisory process rather than one of organizational structure, and it can be resolved only through presidential involvement.⁷³

National Security Council versus Homeland Security Council

The division of labor between the Homeland and the National Security Councils and their staffs, embodied in the working relationship between their advisors, may be the stickiest problem. The good news is that the post of national director and deputy national security advisor for combating terrorism, the President's principal advisor for the global war on terrorism, reports to both the homeland and national security advisors.⁷⁴ An element of coordination is designed into the new structure. This dual-hatted official can help to ensure the two staffs coordinate their processes and share information. Yet, the Homeland and National Security Councils could easily become rivals, fighting over jurisdiction in a turf battle that hinders coordination and the crucial teamwork that is often the hallmark of good decision-making. A division of labor and method of linking the two councils must be developed before competition becomes bureaucratic warfare.

Consider the following scenario: Intelligence sources have tipped the United States to a plot by a terrorist organization operating in East Asia. The terrorists themselves are from the Middle East and South Asia and may be linked to al-Qaeda or a state sponsor such as Libya,

Syria, or Iran. Their target is landmark infrastructure on the West Coast of the United States, presumably the Golden Gate Bridge. The plot is in motion, but it is unclear when it will happen, what form it will take, and whether the terrorists are in the United States or not. Are decisions regarding this issue made in the Homeland Security Council or National Security Council? As stated above, the distinction between law enforcement and national security is blurred by the new threats. Dealing with this issue requires the expertise of a number of departments and agencies in areas such as international diplomacy with nations where the terrorists have been operating, foreign intelligence operations, military planning, domestic law enforcement, and security and prevention activities in the United States.

In such a situation, there may be a disagreement over which council and which staff should take the lead. This was the case for many administrations when the NSC itself was composed of a number of equal committees.⁷⁵ Before the advisory process begins, a decision on how to decide had to be made first. The dilemma disappeared when the NSC committee structure became a single chain of command in the Bush Administration, a structure that has become institutionalized. The issue will resurface again over the Homeland Security Council and the National Security Council.

Resolving this potential process glitch and quashing any rivalry between the homeland and national security advisors requires some planning and informal structures. First, the administration should develop a sense of what issues are to be addressed and where, before the dilemmas arise. At the most basic level, this is a decision about which bureaucracies have the competencies necessary to deal with the situation effectively.⁷⁶ At the senior level, certain issues would belong to specific councils. Given the overlap in membership, this may not be as much of a problem as it could be. Second, the administration should develop a list of issues that are shared responsibilities. This might require a joint meeting of committees within the two councils and co-chairs from both staffs. However, the administration should err on the side of caution and be ready for rivalry. Table 2 provides a preliminary list of overlapping and separate issues.

Table 2: National Security and Homeland Security	
<ul style="list-style-type: none"> • Overlap of National Security and Homeland Security <ul style="list-style-type: none"> ○ Scenario planning that identifies the source of potential threats, the means of attack, likely target, and times of attack 	

<ul style="list-style-type: none"> ○ Intelligence gathering and sharing from a national security and law enforcement perspective ○ Foreign diplomacy that allows for identification of threat, apprehension of suspects in foreign territory, and extradition ○ Arrest, detention, and prosecution of foreign nationals accused of terrorist activities ○ Budget preparation ○ Planning for the use of U.S. armed forces in support of crisis and consequence management
<ul style="list-style-type: none"> ● Separate Issues <ul style="list-style-type: none"> ○ For national security⁷⁷ <ul style="list-style-type: none"> ▪ Traditional alliance relations ▪ Power projection ▪ Regional and global stability interventions (negotiations, peace operations, military force) ▪ Democracy and human rights promotion ▪ International economic stability Arms control and counterproliferation efforts ○ For homeland security⁷⁸ <ul style="list-style-type: none"> ▪ Domestic law enforcement operations to prevent terrorist attack (from immigration and visa issues to monitoring for hazardous materials and border and port security) ▪ Planning for and coordination of local, state, and federal response efforts (crisis management, consequence management) ▪ Security of critical infrastructure (from cybersecurity to bridges, tunnels, reservoirs) ▪ Review of domestic legislation pertaining to executive branch operations relating to terrorism ▪ Ports of entry (air, sea, and land) ▪ Public health prevention and response programs related to bioterrorism

TABLE 2. NATIONAL SECURITY AND HOMELAND SECURITY

Ultimately, the way to avoid potential rivalries is to develop an informal process among the principals that can ease the way to consensus, build teamwork, and encourage collegiality. Several administrations have used informal breakfast or lunch meetings of the principals without their attendant staffs as ways to achieve this. The Carter, Bush 41, Clinton, and Bush 43 administrations have featured regular meetings between the Secretaries of State and Defense and the National Security Advisor. Daalder and Destler suggest informality could reap huge benefits if the homeland and national security advisors see themselves as co-administrators of the entire range of homeland defense issues.⁷⁹ A more extensive network of informal meetings among senior advisors could also help ease potential contentions.

RECOMMENDATIONS

Certainly, the past actions to create a single agency to oversee the operational units responsible for homeland security – the Coast Guard, the Immigration and Naturalization Service, the Border Patrol, the Customs Service – makes a lot of sense. However, it is important to remember that based on what we know so far, the failures that left us vulnerable were more analytical than operational. That kind of shortcoming will not be corrected by moving colored boxes around on an organizational chart.⁸⁰

In light of the major disadvantages of a more radical approach (creating a department), this paper proposes a relatively modest change to the present Homeland Security structure. The President should give the Office of Homeland Security and Homeland Security Council greater authority and capacity to carry out planning and coordination, to include implementation, of interagency programs.⁸¹ This suggestion builds on the existing strengths and flexibility of the Homeland Security Council, modeled after the NSC. This continues the historical trend of adapting a Security Council process to enable the President to manage and coordinate interagency efforts better.⁸² With the newly created Homeland Security Council, changes to the process would focus on integrating the traditional domestic agencies into the Homeland Security Council process, and improving interagency action by establishing clear authority and responsibility for interagency issues.

One must remember that federal agencies have been protecting borders, securing infrastructure, regulating the flow of goods and people entering the country and performing various other homeland security functions for years. State and local officials and the private sector perform many key aspects of homeland security, and much of what makes or breaks a federal program occurs far from Washington. It might be useful for both legislators and

bureaucrats to consider why those functions have been handled inefficiently before they simply are shifted into a new organizational chart.⁸³

In addition, the President might consider adding a state governor, county commissioner, and a metropolitan mayor to ensure strategic representation of state and local interests.⁸⁴ This addresses the requirement for vertical coordination so seriously needed if the different levels of government are to be fully prepared for responding to the new threats.⁸⁵ Another option is to create a cadre of people, drawn from various agencies but responsive to the Office of Homeland Security, who would be sent into the field to coordinate as a minimum the federal government's response efforts.⁸⁶

The heart of this effort is for Congress to partnership the Office of Homeland Security with the Office of Management and Budget (OMB) so the Office of Homeland Security would have budget authority and powers of the purse necessary to fulfill its mission. The desire to establish a new department of cabinet rank sprung from a concern that the Office of Homeland Security lacked independent funding and budgetary control.⁸⁷ Even without this, the President through the OMB staff can provide overall direction by setting fiscal guidance and singling out priority programs.⁸⁸ Congress would also need to make the Office of Homeland Security a statutory entity so it cannot be dissolved by a new administration. This would give the office the permanence that it currently lacks, being established by executive order. It should also elevate the director to the same level as his departmental colleagues, at least in the eyes of the law.⁸⁹

The creation of the Homeland Security Department is top-down reform to improve security at a time when the most useful form of protection comes from the bottom up – from a security guard noticing something strange at a power plant, from a customs officer following up a hunch, from passengers overpowering a shoe bomber. Even after the new mega-merger, those are the people who will keep the homeland secure. The interagency model, embodied in the Homeland Security Council, is a better fit given the nature of the threat, the costs involved, the crucial need for coordination and expediency, and the realities of governmental decision-making. Following this course of action will enable the executive office to swiftly resolve difficulties that are inevitable (bureaucratic turf wars), for no single agency or department could ever hope to deal with the full range of issues involved with this new threat. This model for the organization of homeland security efficiently and effectively supports the National Strategy for Homeland Security of 2002, to “serve as the unifying core of the vast national network of organizations and institutions involved in homeland security”.⁹⁰

WORD COUNT = 7956

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